
Appeal Decision

Site visit made on 10 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/W3710/D/22/3304740

39 Chancery Lane, Chapel End CV10 0PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sukhvinder Kaur Flora against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 038872, dated 9 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extension at 39 Chancery Lane, Chapel End CV10 0PB in accordance with the terms of the application, Ref 038872, dated 9 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan C539/001, Site Block Plan C539/002 Rev B, Existing Ground Floor Plans and Elevations C539/003, and Proposed Ground Floor Plans and Elevations C539/004 Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed side extension on the living conditions of the occupiers of the neighbouring properties at Nos. 43 and 45 Chancery Lane with particular regard to light and outlook.

Reasons

3. The appeal property at No. 39 Chancery Lane (No. 39) is a two storey semi-detached dwelling with a single storey front porch extension and 2 no. timber outbuildings at the side. It occupies a triangular shaped corner plot set back from the road within a mature well-established residential area.
4. The proposal would entail the construction of a single storey side and rear extension set in from the front elevation of the host property and set down with

a low mono pitched tiled roof. It would be set back from the tapering common shared side boundary with the adjacent two storey terraced properties at Nos. 43 and 45 Chancery Lane (Nos. 43 and 45) immediately to the south-east of the site. Nos. 43 and 45 are set down slightly below No. 39 due to the natural sloping topography of the site and the immediate surroundings.

5. The proposed side extension would be located opposite the front elevation of the adjacent properties at Nos. 43 and 45. It would be set back from the nearest ground floor windows to the habitable rooms at the front of Nos. 43 and 45 and separated by an access driveway and a high solid brick boundary wall running along the common shared boundary between the properties.
6. Whilst I accept that there would be some impact from the proposed development, given the overall modest scale, design and layout of the development, set back and set down, together with the boundary treatment, separation distance between the properties and the orientation of the buildings, I consider that the side extension would not result in significant loss of light to the main habitable rooms at the front of Nos. 43 and 45, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the front of Nos. 43 and 45.
7. The outlook at the front of Nos. 43 and 45 is already toward the high boundary wall and the two storey gabled elevation and outbuildings at the side of No. 39. The proposed extension would be separated by the garden area and the boundary wall at the side and the access drive at the front of Nos. 43 and 45.
8. Consequently, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of the neighbouring properties at Nos. 43 and 45 Chancery Lane with particular regard to light and outlook. It would be consistent with the overall aims of Policy BE3 of the Nuneaton and Bedworth Borough Plan 2019 and the Council's Sustainable Design and Construction Supplementary Planning Document 2020 (SPD). This policy and guidance seek, amongst other things, to ensure that development proposals and residential extensions are of a high quality design that provide acceptable levels of amenity for both existing and future residents. The SPD states that the standards of amenity set out in the guidance can be used flexibly, depending on the house layout and on-site circumstances.

Conditions

9. Having regard to the National Planning Policy Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR